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- (8) Other factors – other factors in the defendant’s background, record, or character or any other circumstance of the offense that mitigate against the imposition of the death sentence.

The defendant argues under the broad definition of relevant mitigating evidence set forth in 18 U.S.C. § 3592 that she should be permitted to present information to the jury regarding future confinement conditions in the Bureau of Prisons if she is sentenced to life in prison. Counsel for the defendant argue that there is a “popular public perception” that federal prisons are like country clubs. Counsel for the defendant seek to present the testimony of Mr. Aiken to demonstrate that such a “popular public perception” is incorrect.

The Court notes that the government intends to present testimony regarding “victim impact evidence”, and over the overruled objections of the defendant whose motion in limine was denied. *See* Docket No. 59.

Other courts have given a broad interpretation to the provisions of 18 U.S.C. § 3592. *See United States v. Davis*, 132 F.Supp. 2d. 455 (E.D. La., February 2, 2001), *United States v. Sampson*, 335 F.Supp. 2d. 166, 194 (D.Mass., August 26, 2004); *United States v. Bodkins*, 2005 U.S. Dist. LEXIS 8747 at *23-24 (W.D. Va., May 11, 2005).

The Court is of the view that the defendant has the better of the argument and DENIES

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the motion of the government to exclude the testimony of Mr. Aiken and the testimony of the defendant's family and friends.

IT IS SO ORDERED.

July 13, 2007
Date

/s/ David D. Dowd, Jr.
David D. Dowd, Jr.
U.S. District Judge